

January 22, 2024

The Board of Garfield County Commissioners met in regular session on Monday, January 22, 2024, at 9:00 a.m. in the Commissioners' Chambers at the Garfield County Courthouse.

Present were Chairman Justin Dixon, Member Larry Ledgerwood, Member Jim Nelson, Clerk of the Board McKenzie Lueck and the public.

The Board started the meeting with the Pledge of Allegiance.

The Board reviewed and approved the minutes from both previous meetings.

Chairman Dixon called for public comment. Wendi Watson joined the Board to discuss the Appaloosa Solar Project. She stated that she realized that Friday was the last day for written public comment. She asked about the permitting process, stating that it seems like the green energy push is how the government will ultimately take the dams out. She stated that the limited amount of research she has done, it appears that the Board of County Commissioners doesn't get a vote. Chairman Dixon stated that the plans and permits are all available at the Public Works office. Engineer Wege stated they do have it electronic as well if anyone would like a copy electronically. Wendi asked about the environmental studies and if any had been completed. Engineer Wege stated that a conditional use permit is used to prove that the project is in compliance with the county's comprehensive plan. He continued that the plan was developed with the commissioners and includes zoning plans, growth management plans, etc. The plan is developed by the planning commission and submitted to the state for their approval. After the state's approval, the Board approves it for Garfield County. Wendi said that she tried to get involved with the planning commission, but the meetings kept changing and it was frustrating. Engineer Wege stated that the Appaloosa Project has applied for a conditional use permit and then the county provides notice which includes the notice to the paper of record, direct mailings to geographically a quarter of the county (everyone west of Kirby-Mayview and north of Highway 12), in addition there's a 4x8 foot sign near the site, and information is also on the county's website. Engineer Wege stated that there will be a public hearing with a hearing's examiner. Wendi asked if the hearing's examiner would be local, and Chairman Dixon stated that the county contracts with a hearing's examiner, and the individual wouldn't be local, but very educated in this line of work. There will be a public hearing which will allow for public comment. This hearing will be publicized on the website and in the newspaper. All the comments will be taken into account by the hearing's examiner. The examiner will also review the permit and the county's codes and will decide if the permit falls within compliance. The State Environmental Policy Act (SEPA) encompasses the environmental impact of the project. The county will make a threshold determination regarding the environmental impact to protect the environment. This process includes the county bringing in a specialist that will review all the documents, there will be a preliminary determination which will result in a public hearing as well, and a subsequent determination that will be a final determination. Engineer Wege stated that the Department of Ecology will publish these determinations along with any other agencies' review of them. Chairman Dixon stated that in the county's zoning ordinance there are several things outlined including the SEPA checklist, and the staff report with the Conditional Use Permit (CUP). Engineer Wege and Chairman Dixon stated that the CUP is actually an

application, not a permit. Chairman Dixon stated that the CUP is the step the county is on right now with this project. Chairman Dixon stated that Puget Sound Energy (PSE) called Friday to discuss potential open houses for the project. PSE is working with Appaloosa Solar on this project, but Appaloosa Solar will be the lead. The open house does not have a date or place set yet but will be an informational meeting not a public comment. Chairman Dixon said there will be two more public gatherings; one will be to listen and learn and ask questions, the other will be public input with the hearing's examiner. Chairman Dixon stated that these meetings will be advertised and spoken about during the board meetings leading up to them. Wendi stated that she wants everyone to understand that if you think you can bring all of this green energy to town and not bring risk to the dams that is short-sighted. Chairman Dixon stated that he understands and that he's heard this from other community members as well and he appreciates her bringing this forward. He urged people to make their comments and concerns known to the Board. She asked where the next planning commission meeting would be held, and Chairman Dixon said he wasn't sure but would get an answer back to her by the end of the day. Her concern is that she posted information on the Appaloosa Solar Project on Facebook and received multiple comments back about how people didn't have any idea that it was happening. She asked for the list of members of the Board of Adjustment as well as the Planning Board. Commissioner Nelson stated that the Board wants the project to be transparent to the community and the more people that are aware of it the better it is. Chairman Dixon mentioned that the Board of Adjustment is looking for a member and he will provide Wendi with additional information if she's interested. Engineer Wege asked her to stop by the Public Works office and he would provide Wendi with information she was asking for. The Board thanked Wendi for stopping by and sharing her concerns with the Board.

Road Supervisor, Steve Gormsen, gave the road report. The crew worked Monday through Friday last week plowing snow; all five trucks were out plowing and putting sand down and the graders were also running. In the shop, pickup E411 was worked on, along with trucks E256, E252, E257, and Graders E127 and E128. This week the crew is focusing on getting the roads as cleaned up as possible and then will go back to the maintenance work which includes working on guardrails and trimming trees as weather permits. Steve stated that the shop mechanic has some projects he wants to get in the shop, so they will get the trucks moved out of the shop to make room for those projects to get underway. The Board thanked Steve and the crew for their efforts and said they are doing a good job.

Katie Magill, District Court Clerk/Courtroom Administrator, joined the Board to give them an update on the quotes she received for her LATCF requests. She stated that she met with a representative from Tyler Technologies to provide a quote for an updated jury system for both Superior and District court. The current jury system was developed by Asotin, Columbia, and Garfield Counties, and since both Asotin and Columbia have updated their jury systems because the one that was developed is very outdated. Commissioner Nelson asked what the concerns were for the current system, and Katie stated that the current system does not allow for any updates, which includes updating juror names. She stated that the Tyler Technologies representative will be getting back to her this week hopefully with a quote. He's looking at what they can do for small counties to make it more cost effective, as their software is very expensive. She will update the Board when she has a quote available on that request. She provided the Board with a quote for a fire escape ladder in the amount of \$187.69. She also stated that she was

finally able to get an estimate back on the dutch door request. This request is for her interior door as well as installing a half door in the Auditor's office. Originally it also included a request to convert the Assessor's door to a dutch door, but she spoke with Assessor Brian Bartels about it, and he is not concerned with converting his door to a dutch door after re-arranging his office and with the limited amount of people that come into the office. She stated that she received two quotes for the project, one from CPEC in the amount of \$2,346.83, and the other from Commercial Entry Systems, Inc. (who works in conjunction with the two companies currently working on the project; VECA, and Pacific Office Automation) in the amount of \$7,404.85. Commissioner Nelson asked when the work could get started on this project, and Katie stated that she would talk to each company and see what each of their availability is. She stressed that these are estimates and the costs could change once the project is started. Both estimates include taking the existing door in Katie's office and modifying it and then linking it to the key card system. Commissioner Ledgerwood asked if there would be additional costs if the county goes with CPEC for the other company to come back and install the locks on the new doors. Katie wasn't sure. She stated that she's been having trouble with the judge's door disconnecting so they are going to have to come on site to put a new receiver in. Katie asked the Board to make a decision regarding which quote on the dutch doors they want to move forward with. Commissioner Nelson asked about the expansion of the jury room and Katie stated that she was having trouble getting contractors to get back to her with an estimate. She will reach back out to some contractors and see if she can get a quote for that project.

Adam Hodges, Obenland and Low Insurance Agent, joined the Board to discuss a few items that the insurance company can help the county with to mitigate risk. He provided the Board with two packets, one with information on workplace drug testing policies and the other with information on building a cyber incident response plan. There was discussion regarding the county's current drug testing policy and if the county would like to implement additional testing. Chairman Dixon stated that a post-accident drug testing plan would be beneficial to the county. Adam stated that he could talk to Prosecutor Newberg about putting into the employee handbook. Commissioner Ledgerwood asked what other counties have for drug testing policies through the risk pool. Adam wasn't sure but stated that he would find out and follow up with the Board. Chairman Dixon stated that there are laws that might restrict drug testing. Adam stated that in addition to potentially implementing additional drug testing requirements, the risk pool also wanted to provide information on a cyber security response plan. He continued that cyber security is not going away and it's going to get more complex and taken more seriously. He stated that if he gets some direction, he can go back to the risk pool and ask what resources the risk pool has to help with the county's development of a response plan. Chairman Dixon said that he would like to ask the risk pool what the county needs in order to comply with cyber insurance and mitigate risk, and then the Board can sit down with department heads and the Information Technology Coordinator, so everyone is focused on the same conversation at the same time. The Board unanimously agreed that it's a good thing to move forward with and the Board agreed to have Commissioner Ledgerwood spearhead the discussion. Chairman Dixon asked that the cyber security topic gets move ahead of drug testing policy as priority.

Adam stated that he also wanted to speak about employees driving personal vehicles for county business. Something that the risk pool recommends is that employees who drive personal vehicles for county business be encouraged to provide their insurance to the county and

potentially even stipulate what level of liability insurance the employee carry on their vehicle. Adam stated that he has seen this with some of his other clients, when they call, needing a copy of their insurance to provide to their place of work. Adam continued that in the event that the employee gets in an accident, their insurance will be the first line of defense, but if the damages go beyond that, the liability then moves to the county's insurance. Commissioner Ledgerwood stated that the risk pool's example of another county who had a vehicle accident claim was excellent. This example included a driver whose insurance policy only covered around \$300,000.00, but the lawsuit for the claim was for over \$20,000,000.00 and now the risk pool is on the hook for the remainder. The Board thanked Adam for his time.

Sheriff Hyer joined the Board to discuss the old security cameras that had been replaced. He asked how he was supposed to dispose of them and was instructed to refer to the Small Asset Policy which outlines how to surplus items.

Chairman Dixon informed Sheriff Hyer that he was aware of an incident that took place in the Sheriff's office due to flooding. Chairman Dixon stated that personnel were unable to remove snow early enough or quick enough because of the Sheriff's inability to cooperate. Chairman Dixon stated that he is asking that the Board to take the shed over that the Sheriff's office is currently using and Sheriff Hyer can store his vehicles that are rarely used somewhere else so the county can put snow removal items and additional tools used for public safety in the shed. Sheriff Hyer asked if the Board was going to take his file area too, and Chairman Dixon stated that he has a meeting later this week to discuss the jail contract with Walla Walla County and in doing so, the Sheriff's office can use the jail for their records storage area. Chairman Dixon stated that the county could have moved more snow in a smaller amount of time the incident could have been mitigated. Sheriff Hyer told the Board to do what they're going to do, and Chairman Dixon responded stating that that's the problem; that there's no working together. Sheriff Hyer asked why they couldn't use the other garage to store the four-wheeler like previous years and Chairman Dixon stated that there is a lot more that would need moved than a vehicle that needed moved out of the area that was requested. Chairman Dixon stated that cooperation between everyone is what's needed. He continued stating that there is no communication on Sheriff Hyer's side, which resulted in frustration that didn't need to happen. Chairman Dixon stated that the garage is not the Sheriff's to determine what gets to be stored in it and not. Commissioner Ledgerwood asked if the Sheriff's office needs two side by sides and Sheriff Hyer said yes because they are for search and rescue. Chairman Dixon stated that he wasn't against keeping the machines but stated that we need to find a better way to make everything work. Sheriff Hyer informed the Board that he previously asked for an additional garage, and he doesn't have a place to put impounded vehicles now. Chairman Dixon stated that the Board would work with him to make a place at Public Works in the event that he needed to store something there. He also stated that if Public Works was unwilling to cooperate, they would have this same discussion with that department head. Sheriff Hyer asked the Board why the county doesn't prepare for the future instead of waiting for something to happen. Commissioner Ledgerwood stated that from the county's financial position, it doesn't make sense to build a building 'just in case'. Sheriff Hyer talked about the scenario if he has a serious case that he needs to dry blood on clothing in a secure area, he doesn't have a way to do that securely. Commissioner Nelson stated that in the event that the Board chooses to close the jail and then the Sheriff's office can use that as a secure evidence locker. Chairman Dixon stated that the point of

this conversation revolves around communication. He continued that as a small county, we don't have the resources, but that's why we have MOU's and MOA's.

Chairman Dixon asked if Sheriff Hyer had seen a copy of the draft deputy's agreement, and Sheriff Hyer stated he had not. Chairman Dixon stated that the Board is in the process of negotiations with the deputies association, and once the Board gets their side figured out, then the Sheriff can sit down with the lawyer and the Prosecutor to figure out his side of the agreement. Sheriff Hyer asked what the update on the jail was. Chairman Dixon stated that he was going to meet with Walla Walla County this week to discuss the contract. He stated that Walla Walla's long-term goal is to have Garfield County fund a full-time position, but Chairman Dixon doesn't think that's feasible. Sheriff Hyer stated that he has a contract coming from Whitman County and has communicated with Asotin County. Chairman Dixon asked what it would cost to get the jail up to standard, and Sheriff Hyer stated that it would cost close to a million dollars. Commissioner Nelson asked what Sheriff Hyer was basing his standards on and Sheriff Hyer stated that it's based on standards that are coming down from the state. Chairman Dixon said he doesn't like the idea of spending \$300,000 outside of the county versus spending that in the county. Chairman Dixon clarified that he isn't talking about future regulations, he's talking about right now. He continued that there are other counties that have deputies that cross train as jailers. Sheriff Hyer stated that there's no county that has deputies that cross as jailers because of the use of force. Chairman Dixon requested that Sheriff Hyer look into it. Sheriff Hyer stated that the right option is to get a contract and outsource jail services for now, but they can look at how to bring those services back to Garfield County in the long-term. Commissioner Nelson instructed Sheriff Hyer to bring written proposals for the proposed contracts with other counties so the Board can get a draft contract put together.

The Board took a recess from 10:08 until 10:16.

The Board went back into regular session at 10:16 a.m. The Board reviewed a request from County Road to make an adjustment to a previous correction that was submitted in December. The adjustment was in the amount of \$3,950 and affected both the County Road fund (101) and the ERR fund (501). Commissioner Ledgerwood made a motion to approve it and Commissioner Nelson seconded it. The motion passed unanimously, and Chairman Dixon signed off on the adjustment.

Engineer Wege joined the Board to give them his weekly update. He stated that the Appaloosa Solor Project comment period had ended, and they received a lot of comments. Commissioner Ledgerwood asked how many comments were received and Engineer Wege stated that they received comments from 6 individuals. He also stated that there were a lot of conversations with project staff. He has been reviewing the consultant agreement for the Kirby-Mayview project but isn't quite done yet. He will bring it forward to the Board after his review is complete. There will be minor changes. He stated that Washington DOT's Local Programs department is going to review the contract and provide feedback. He had further discussions with the Department of Ecology (EOC) on the Shoreline Grant. He stated that DOE is still in favor of awarding Garfield County the grant in the full amount and amending it to consist of just Garfield County instead of the coalition. He continued that it was a competitive grant, but everyone who applied received their money, so DOE has the funding available. He also informed the Board that the road levy

certification, that is done annually, has a new process that just came out through CRAB which includes electronic signatures and no more printed documents. He stated that it is available now, but the instructions won't be out until the end of the week or early next week. He continued that ecology also has a grant that Public Health received for solid waste management, and there's an interlocal agreement between Public Works and Public Health. Engineer Wege stated that this will be ready by the next public health meeting. He also informed the Board of a grant webinar he plans on attending tomorrow; he stated that it is a federal programs grant. He updated the Board on the state grant for the fairground's bleachers, which is through the Department of Agriculture. He stated that they are in the midst of the historic preservation research project which will include a 30-day comment period, then Department of Ag will handle the cultural resource portion of the requirements before the county can move forward with the project. He stated that he just received an email that the Department of Ag's employee that handles these projects was no longer there, so it might cause some lag on the project, but it shouldn't impact the project's finish date. Commissioner Ledgerwood stated that it shouldn't affect the 30-day period, but Engineer Wege stated that the 30-day comment period hasn't started yet because he has to get the form submitted before the 30-day period starts.

Chairman Dixon stated that he has an emergency management discussion this week, will meet with Walla Walla County to discuss the jail contract, has a Snake River Salmon Recovery Board meeting tomorrow, and will also meet with Asotin County and John Hirsch to discuss veterans' services this week. The emergency management position will be advertised this week and Chairman Dixon stated that John Hirsch is willing to help the county while they try to fill the position.

Commissioner Ledgerwood stated that he has a SEWEDA (Southeast Washington EDA) meeting this week, as well as meetings for Raise the Blues, and the fair board.

Commissioner Nelson stated that he has a WSAC meeting on Friday. He also informed the Board that, during last week's Legislative Steering Committee (LSC) meeting there was discussion regarding the proposed legislation to phase out all small engines under 25 horsepower. He stated that there were a few counties on the west side that were in support of it, however there were a lot of counties that were very opposed to it. It will be discussed next week to decide if LSC will oppose the bill or not depending on the facts that are uncovered this week. There was discussion regarding the green energy tax. There was discussion regarding a letter the Board received from Benton County regarding green energy and there being a need for more local control. There was discussion regarding how the Board can say 'no' to local projects, but the governor's office can come in force the project to move forward as they have in other counties. Commissioner Nelson stated that that's why he's in favor of these projects so they can have input and as much local control as possible instead of turning them down and the Governor coming back and saying that they will move forward with the project regardless of local opinion. Chairman Dixon asked that Engineer Wege have his staff share the comments that Public Works received regarding the project with the Board so the Board can be involved and as educated as possible. Engineer Wege stated that he had heard comments regarding there not being information put on Facebook regarding the Appaloosa Solar Project.

The Board went into executive session from 10:41 a.m. until 11:13 a.m. to discuss employee performance and employee contracts. No decisions were made.

The following voucher payments were approved for payment:

Claims Clearing Fund

Numbers: 70964 Through: 71003 Totaling: \$105,195.63

Payroll Clearing Fund

Numbers: 71004 Through: 71027 Totaling: \$19,319.68
Numbers: 71028 Through: 71030 Totaling: \$27,021.06

The Commissioners regular meeting adjourned at 11:13 a.m. with the next regular meeting set for Monday, January 29th, 2024, at 9:00 a.m. in the Commissioner's Chambers at the Garfield County Courthouse.

/s/ McKenzie Lueck
Attest: Clerk of the Board

/s/ Justin Dixon
Chairman, Board of Garfield County Commissioners